



General Assembly

January Session, 2017

Raised Bill No. 7180

LCO No. 4373



Referred to Committee on VETERANS' AFFAIRS

Introduced by:
(VA)

***AN ACT PROVIDING FOR A MUNICIPAL OPTION PROPERTY TAX
FREEZE FOR QUALIFIED DISABLED VETERANS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2017, and applicable to assessment*
2 *years commencing on or after October 1, 2017*) (a) Any municipality, upon
3 approval of its legislative body may provide that an owner of real
4 property or any tenant for life or for a term of years liable for property
5 taxes under section 12-48 of the general statutes who meets the
6 qualifications stated in this subsection shall be entitled to pay the tax
7 levied on such property, calculated in accordance with the provisions
8 of subsection (b) of this section for the first year the claim for such tax
9 relief is filed and approved in accordance with the provisions of
10 section 12-170w of the general statutes, as amended by this act, and
11 such person shall be entitled to continue to pay the amount of such tax
12 or such lesser amount as may be levied in any year, during each
13 subsequent year that such person meets such qualifications, and the
14 surviving spouse of such owner or tenant, qualified in accordance with
15 the requirements pertaining to a surviving spouse in this subsection, or
16 any owner or tenant possessing a joint interest in such property with

17 such owner at the time of such owner's death and qualified at such
18 time in accordance with the requirements in this subsection, shall be
19 entitled to continue to pay the amount of such tax or such lesser
20 amount as may be levied in any year, as it becomes due each year
21 following the death of such owner for as long as such surviving spouse
22 or joint owner or joint tenant is qualified in accordance with the
23 requirements in this subsection. After the first year a claim for such tax
24 relief is filed and approved, application for such tax relief shall be filed
25 biennially on a form prepared for such purpose by the assessor of such
26 municipality. Any such owner or tenant who is qualified in accordance
27 with this section and any such surviving spouse or joint owner or joint
28 tenant surviving upon the death of such owner or tenant, shall be
29 entitled to pay such tax in the amount as provided in this section for so
30 long as such owner or tenant or such surviving spouse or joint owner
31 or joint tenant continues to be so qualified. To qualify for the tax relief
32 provided in this section a taxpayer shall meet all the following
33 requirements: (1) On December thirty-first of the calendar year
34 preceding the year in which a claim is filed, be (A) a veteran, as
35 defined in subsection (a) of section 27-103 of the general statutes, who
36 has a service-connected disability rated by the United States
37 Department of Veterans Affairs, (B) the spouse of a veteran described
38 in subparagraph (A) of this subdivision, provided such spouse is
39 domiciled with such veteran, or (C) the surviving spouse of a taxpayer
40 who at the time of such taxpayer's death had qualified and was
41 entitled to tax relief under this section, provided such surviving
42 spouse was domiciled with such taxpayer at the time of the taxpayer's
43 death, (2) occupy such real property as his or her home, (3) either
44 spouse shall have resided within this state for at least one year before
45 filing the claim under this section and section 12-170w of the general
46 statutes, as amended by this act, and (4) the taxable and nontaxable
47 income of such taxpayer, the total of which shall hereinafter be called
48 "qualifying income", in the tax year of such homeowner ending
49 immediately preceding the date of application for benefits under the
50 program in this section, was not in excess of limits set forth in section

51 12-170aa of the general statutes, as adjusted annually, evidence of
52 which income shall be submitted to the assessor in the municipality in
53 which application for benefits under this section is filed in such form
54 and manner as the assessor may prescribe. The amount of any
55 Medicaid payments made on behalf of such homeowner or the spouse
56 of such homeowner shall not constitute income. The income of the
57 spouse of such homeowner shall not be included in the qualifying
58 income of such homeowner for purposes of determining eligibility for
59 tax relief under this section, if such spouse is a resident of a health care
60 or nursing home facility in this state, and such facility receives
61 payment related to such spouse under the Title XIX Medicaid
62 program. In addition to the eligibility requirements prescribed in this
63 subsection, any municipality that provides tax relief in accordance
64 with the provisions of this section may impose asset limits as a
65 condition of eligibility for such tax relief.

66 (b) The tax on the real property for which the benefits under this
67 section are claimed shall be the lower of: The tax due with respect to
68 the homeowner's residence for the assessment year commencing
69 October first of the year immediately preceding the year in which the
70 initial claim for tax relief is made, or the tax due for any subsequent
71 assessment year. If title to real property is recorded in the name of the
72 person or the spouse making a claim and qualifying under this section
73 and any other person or persons, the claimant hereunder shall be
74 entitled to pay the claimant's fractional share of the tax on such
75 property calculated in accordance with the provisions of this section,
76 and such other person or persons shall pay the person's or persons'
77 fractional share of the tax without regard for the provisions of this
78 section. For the purposes of this section, a "mobile manufactured
79 home", as defined in section 12-63a of the general statutes shall be
80 deemed to be real property.

81 (c) If any person with respect to whom a claim for tax relief in
82 accordance with this section and section 12-170w of the general
83 statutes, as amended by this act, has been approved for any assessment

84 year transfers, assigns, grants or otherwise conveys subsequent to the
85 first day of October, but prior to the first day of August in such
86 assessment year the interest in real property to which such claim for
87 tax relief is related, regardless of whether such transfer, assignment,
88 grant or conveyance is voluntary or involuntary, the amount of such
89 tax relief benefit, determined as the amount by which the tax payable
90 without benefit of this section exceeds the tax payable under the
91 provisions of this section, shall be a pro rata portion of the amount
92 otherwise applicable in such assessment year to be determined by a
93 fraction the numerator of which shall be the number of full months
94 from the first day of October in such assessment year to the date of
95 such conveyance and the denominator of which shall be twelve. If such
96 conveyance occurs in the month of October the grantor shall be
97 disqualified for such tax relief in such assessment year. The grantee
98 shall be required within a period not exceeding ten days immediately
99 following the date of such conveyance to notify the assessor thereof, or
100 in the absence of such notice, upon determination by the assessor that
101 such transfer, assignment, grant or conveyance has occurred, the
102 assessor shall determine the amount of tax relief benefit to which the
103 grantor is entitled for such assessment year with respect to the interest
104 in real property conveyed and notify the tax collector of the reduced
105 amount of such benefit. Upon receipt of such notice from the assessor,
106 the tax collector shall, if such notice is received after the tax due date in
107 the municipality, no later than ten days thereafter mail or hand a bill to
108 the grantee stating the additional amount of tax due as determined by
109 the assessor. Such tax shall be due and payable and collectible as other
110 property taxes and subject to the same liens and processes of
111 collection, provided such tax shall be due and payable in an initial or
112 single installment not sooner than thirty days after the date such bill is
113 mailed or handed to the grantee and in equal amounts in any
114 remaining, regular installments as the same are due and payable.

115 Sec. 2. Section 12-170w of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective October 1, 2017, and*

117 *applicable to assessment years commencing on or after October 1, 2017):*

118 (a) No claim shall be accepted under section 12-170v or section 1 of
119 this act unless the taxpayer or authorized agent of such taxpayer files
120 an application with the assessor of the municipality in which the
121 property is located, in such form and manner as the assessor may
122 prescribe, during the period from February first to and including May
123 fifteenth of any year in which benefits are first claimed, including such
124 information as is necessary to substantiate such claim in accordance
125 with requirements in such application. A taxpayer may make
126 application to the assessor prior to August fifteenth of the claim year
127 for an extension of the application period. The assessor may grant such
128 extension in the case of extenuating circumstance due to illness or
129 incapacitation as evidenced by a certificate signed by a physician or an
130 advanced practice registered nurse to that extent, or if the assessor
131 determines there is good cause for doing so. The taxpayer shall present
132 to the assessor a copy of such taxpayer's federal income tax return and
133 the federal income tax return of such taxpayer's spouse, if filed
134 separately, for such taxpayer's taxable year ending immediately prior
135 to the submission of the taxpayer's application, or if not required to file
136 a federal income tax return, such other evidence of qualifying income
137 in respect to such taxable year as the assessor may require. Each such
138 application, together with the federal income tax return and any other
139 information submitted in relation thereto, shall be examined by the
140 assessor and a determination shall be made as to whether the
141 application is approved. Upon determination by the assessor that the
142 applying homeowner is entitled to tax relief in accordance with the
143 provisions of section 12-170v, or section 1 of this act, and this section,
144 the assessor shall notify the homeowner and the municipal tax
145 collector of the approval of such application. The municipal tax
146 collector shall determine the maximum amount of the tax due with
147 respect to such homeowner's residence and thereafter the property tax
148 with respect to such homeowner's residence shall not exceed such
149 amount. After a taxpayer's claim for the first year has been filed and

150 approved such taxpayer shall file such an application biennially. In
151 respect to such application required after the filing and approval for
152 the first year the assessor in each municipality shall notify each such
153 taxpayer concerning application requirements by regular mail not later
154 than February first of the assessment year in which such taxpayer is
155 required to reapply, enclosing a copy of the required application form.
156 Such taxpayer may submit such application to the assessor by mail,
157 provided it is received by the assessor not later than April fifteenth in
158 the assessment year with respect to which such tax relief is claimed.
159 Not later than April thirtieth of such year the assessor shall notify, by
160 mail evidenced by a certificate of mailing, any such taxpayer for whom
161 such application was not received by said April fifteenth concerning
162 application requirements and such taxpayer shall submit not later than
163 May fifteenth such application personally or for reasonable cause, by a
164 person acting on behalf of such taxpayer as approved by the assessor.

165 (b) Any person knowingly making a false application for the
166 purpose of claiming property tax relief under section 12-170v, or
167 section 1 of this act, and this section shall be fined not more than five
168 hundred dollars. Any person who fails to disclose all matters relating
169 thereto or with intent to defraud makes a false statement shall refund
170 to the municipality all tax relief improperly taken.

171 (c) Any municipality providing property tax relief under section 12-
172 170v, or section 1 of this act, and this section may establish a lien on
173 such property in the amount of the total tax relief granted, plus interest
174 applicable to the total of unpaid taxes represented by such tax relief, at
175 a rate to be determined by such municipality. Any such lien shall have
176 a priority in the settlement of such person's estate.

177 (d) Any such property tax relief granted to any such resident in
178 accordance with the provisions of section 12-170v, or section 1 of this
179 act, and this section shall not disqualify such resident with respect to
180 any benefits for which such resident shall be eligible under the
181 provisions of sections 12-129b to 12-129d, inclusive, 12-129n and

182 12-170aa and any such property tax relief provided under this section
183 shall be in addition to any such benefits for which such resident shall
184 be eligible under sections 12-129b to 12-129d, inclusive, 12-129n and
185 12-170aa.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017, and applicable to assessment years commencing on or after October 1, 2017</i>	New section
Sec. 2	<i>October 1, 2017, and applicable to assessment years commencing on or after October 1, 2017</i>	12-170w

Statement of Purpose:

To permit municipalities to provide a freeze on property taxes for certain disabled veterans, and any surviving spouse, joint owner or joint tenant on the death of any such veteran, that meets certain qualifications.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]